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OCT - 7 1996

Federal Communications Commission
Office of Secretary

Richard L. Cys
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October 7, 1996

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

BY HAND

DOCKET FILE COPY ORIGINAL

Re: In the Matter of Telephone Number Portability,
CC Docket No. 95-116


Dear Sir:

Enclosed for filing on behalf of NEXTLINK Communications, L.L.C. in the above-captioned matter is NEXTLINK's Reply to Oppositions to its Petition for Reconsideration of the Commission's First Report and Order and Further Notice of Proposed Rulemaking. An original and 15 copies are included for distribution to the Commissioners.

Copies of the Reply have been served on parties on the Commission's service list (attached), and upon counsel for US West. A copy of the Reply in hard copy and on 3.5" WordPerfect 5.1 read only diskette has also been delivered by hand today to the International Transcription Service. As a courtesy, NEXTLINK will also send copies of the Reply to the parties listed in the First Report and Order, Appendix A.

Please date stamp and return to the messenger the copy of this letter.

Very truly yours,



Richard L. Cys

Counsel for NEXTLINK
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RLC/ck
Enclosures

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Federal Communications Commission
Office of Secretary

FCC Docket No. 96-286

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)

Telephone Number Portability)

CC Docket No. 95-116
RM8535

REPLY OF NEXTLINK COMMUNICATIONS, L.L.C. TO
OPPOSITIONS TO NEXTLINK'S PETITION FOR RECONSIDERATION
OF THE COMMISSION'S FIRST REPORT AND ORDER AND
FURTHER NOTICE OF PROPOSED RULEMAKING

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October 7, 1996

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
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Telephone Number Portability) CC Docket No. 95-116
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**REPLY OF NEXTLINK COMMUNICATIONS, L.L.C. TO
OPPOSITIONS TO NEXTLINK'S PETITION FOR RECONSIDERATION
OF THE COMMISSION'S FIRST REPORT AND ORDER AND
FURTHER NOTICE OF PROPOSED RULEMAKING**

NEXTLINK Communications L.L.C. ("NEXTLINK") respectfully submits this Reply to Oppositions to NEXTLINK's Petition for Reconsideration of the Commission's First Report and Order and Further Notice of Proposed Rulemaking which was released on July 2, 1996, in the above-captioned proceeding (the "Report and Order").

1. NEXTLINK's Petition proposes a standard and procedures for adding MSAs to the initial deployment schedule for local number portability. Most of those opposing the Petition claim, in essence, that adding any MSAs would divert scarce resources from what is characterized as an already tight deployment schedule and would harm competition by increasing costs and

causing delay.¹ This stale claim has previously been rejected by the Commission in the Report and Order.²

2. Any legitimate claims of burdensomeness could be addressed, as described below, by the procedures proposed by NEXTLINK. Indeed, the United States Telephone Association ("USTA") recognizes that "evidence that competition is emerging rapidly in an area not in the top 100 MSAs may warrant adjustments to the deployment schedule." USTA Opposition at 5. Then USTA suggests that state commissions and/or state local number portability ("LNP") workshops be permitted to make these adjustments.

3. NEXTLINK's proposal -- that the Commission should adopt a standard and procedures by which MSAs can be added to the initial deployment schedule -- is consistent with the goals of the Telecommunications Act of 1996 (the "Act") to foster competition and to remove barriers to market entry. The standard should be whether there is sufficient evidence of the existence of competition which could be advanced by initial deployment of local number portability capability in an MSA outside of the top 100 markets. The procedures would include soliciting the views of the state commission where the MSA is located to determine whether the "sufficient evidence" test is met. If the request is

¹ See GTE Opposition at 8-10; BellSouth Opposition at 6-7; USTA Opposition at 4; NYNEX Opposition at 2; Pacific Telesis Opposition at 2.

² See Report and Order, ¶¶ 75, 77-78.

granted, then the incumbent could invoke the waiver procedure adopted in the Report and Order, ¶ 85.

4. Any legitimate complaints of burdensomeness could be addressed within NEXTLINK's proposed procedure. For example, as NEXTLINK has suggested (Petition at p. 7 n.4), certain switches in various MSAs within the initial deployment schedule may not need to be converted to local number portability because there is a lack of competitive interest in the areas served by those switches. If an incumbent seeks a waiver, the Commission could ask the carrier requesting portability or other interested carriers to identify such MSAs within the incumbent's territory. The Commission could then delete such MSAs from the initial deployment schedule if a showing of burdensomeness is adequately presented.³ By proceeding in this fashion, the Commission can assure that the delicate balance achieved by the First Report and Order is maintained.

5. At the same time, it is important for the Commission to maintain final decisional authority over this process and not delegate this authority to the state commissions or LNP workshops as suggested by USTA. Uniform standards nationwide should be maintained to prevent incumbents from persuading states to adopt inconsistent standards for market entry by competing carriers such as NEXTLINK. Just as it has in its implementation of the

³ This is consistent with BellSouth's alternative position. BellSouth Opposition at 6-7.

requirements of the ACT for interconnection, the Commission should rely upon the expertise of state commissions as appropriate. Here that reliance should be limited to requesting state commissions to determine the extent of competition in markets located in their states.

6. As the Commission noted in the Report and Order, "it is important that we adopt uniform national rules regarding number portability implementation and deployment to ensure efficient and consistent use of number portability methods and numbering resources on a nationwide basis." Report and Order, ¶ 37. In taking this leadership role with respect to number portability, the Commission rejected a state-by-state approach:

We believe that allowing number portability to develop on a state-by-state basis could potentially thwart the intentions of Congress in mandating a national number portability policy, and could retard the development of competition in the provision of telecommunications services.

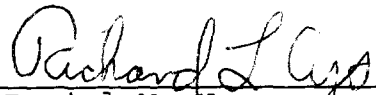
Id., ¶ 37.

For these reasons, and those set forth in NEXTLINK's Petition, NEXTLINK's Petition should be granted, and the Commission should adopt procedures for allowing competing carriers to show that in any particular MSA, there is sufficient evidence of the existence of competition which could be advanced by initial deployment of local number portability in that MSA.

Respectfully submitted this 7th day of October, 1996.

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